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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,942	12/02/2002	Ken Scott Fisher		7434
33036	7590	09/21/2004		
KEN FISHER 5521 CLEON AVE. NORTH HOLLYWOOD, CA 91601			EXAMINER PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,942

Applicant(s)

FISHER ET AL.

Examiner

Thanh S Phan

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AP

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7, 9,11-13,15-19,21-25,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-13,15-19,21-25,28 and 29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>g</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6, 7, 9-13, 16-19, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admitted prior art; AAPA hereinafter; in view of Ko et al. [6,231,361].

AAPA disclose a universal serial bus connector [110; page 7, line 10] for connecting to a computer comprising; a housing [120];; and a cover [125] has a protective position and an engaged position; such that when said cover is in said protective position, said connector is covered by said cover, and when said cover is in said engaged position said connector is exposed from said cover.

AAPA disclose the claimed invention except for: a spring-loaded/slidable/retractable cover/sleeve integral with said housing.

Ko et al. disclose a shielded electrical connector apparatus comprises a spring-loaded/slidable/retractable cover/sleeve integral with said housing [figure 3].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use Ko et al.'s spring-loaded cover design with AAPA for the purpose of a stronger connection and enhances safety.

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Regarding claims 29, AAPA disclose wherein the standardized connector comprises a universal serial bus [page 7, line 10].

Regarding claims 4, 6, 10-12, 16-18, 22-24, and 28, AAPA further disclose wherein the external computer device is one of the claimed electrical device [page 7, lines 10].

Claims 5, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and KO et al. as applied to claim 1 above, and further in view of Rifkin et al. [3,760,486].

AAPA and Ko et al. disclose the claimed invention except for: the external computer device further comprising a front barrier protector and the front barrier is integral with the housing.

Rifkin et al. disclose extraction/retraction tool case for service module comprising a front barrier protector [5].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use Rifkin et al.'s front cover design with AAPA and Ko et al. for the purpose of protecting the connector.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to , since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Response to Arguments

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Applicant's arguments filed 03-25-04 have been fully considered but they are not persuasive.

Applicant argues that Ko et al. is non-analogous and there would have been no motivation to combine Ko et al. with the prior art of figure 1. In response to applicant's argument that Ko et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both applicant's claimed invention and Ko et al. are directed to isolating a connector from the environment outside of the connector casing. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a skilled artisan, desiring to protect a connector from the external environment would have been motivated to combine the protective cover design of Ko et al. with the casing of the admitted prior art shown in figure 1 to isolate the connector. Applicant further argues that the connector of Ko et al. would not be readily adaptable to for use with the prior art of figure 1. The

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examiner disagrees. Ko et al. teaches sliding the connector in the casing to provide isolation and protection therefor (figure 4, column 2, lines 41-59).

Applicant further argues that Rifkin et al. fails to show the barrier protector being integral with the USB of prior art figure 1, as modified by Ko et al. Rifkin et al. discloses the use of a barrier formed with a connector assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally form the barrier with the casing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Applicant has not claimed, nor has examiner considered, any specific structure of the integral barrier.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp


KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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